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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 MULTICARE HEALTH SYSTEMS,

9 Plaintiff,

10 v.

11 UNITED STATES DEPARTMENT OF  
12 VETERAN AFFAIRS, et al.,

Defendants.

Case No. 18-1366-MJP

**ORDER REGARDING INITIAL  
DISCLOSURES, JOINT STATUS  
REPORT, AND EARLY  
SETTLEMENT**

13 **I. INITIAL SCHEDULING DATES**

14 The Court sets the following dates for initial disclosure and submission of the Joint Status  
15 Report and Discovery Plan:

16 Deadline for FRCP 26(f) Conference: November 16, 2018

17 Initial Disclosures Pursuant to FRCP 26(a)(1): November 26, 2018

18 Combined Joint Status Report and Discovery  
19 Plan as Required by FRCP 26(f)  
and Local Civil Rule 26(f): December 3, 2018

20 The deadlines above may be extended only by the Court. Any request for an extension  
21 should be made by telephone to [name], [title] at (206) 370-[number]. If Defendants have  
22 appeared, the parties are directed to meet and to confer before contacting the court to request an  
23 extension.

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2 If this case involves claims which are exempt from the requirements of FRCP 26(a) and  
3 26(f), please notify [Name], [title], by telephone at (206) 370-[number].

## 4 **II. JOINT STATUS REPORT & DISCOVERY PLAN**

5 All counsel and any pro se parties are directed to confer and provide the Court with a  
6 combined Joint Status Report and Discovery Plan (the "Report") by **December 3, 2018**. This  
7 conference shall be by direct and personal communication, whether that be a face-to-face  
8 meeting or a telephonic conference. **The Report will be used to determine if a FRCP 16**  
9 **conference would be helpful and to set a schedule for the prompt completion of the case. FRCP**  
10 **16 provides for a pretrial conference with the court for purposes such as:**

- 11 1. expediting disposition of the action;
- 12 2. establishing early and continuing control so that the case will not be protracted
- 13 because of lack of management;
- 14 3. discouraging wasteful pretrial activities;
- 15 4. improving the quality of the trial through more thorough preparation; and
- 16 5. facilitating settlement.

17 **The Joint Status Report must contain the following information by corresponding paragraph**  
18 **numbers.**

- 19 1. A statement of the nature and complexity of the case.
- 20 2. A proposed deadline for joining additional parties.
- 21 3. The parties have the right to consent to assignment of this case to a full time

22 United States Magistrate Judge, pursuant to 28 U.S.C. §636(c) and Local Rule MJR 13 to  
23 conduct all proceedings. The Western District of Washington assigns a wide range of cases to  
Magistrate Judges. The Magistrate Judges of this district thus have significant experience in all  
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AND EARLY SETTLEMENT - 2

1 types of civil matters filed in our court. Additional information about our district's Magistrate  
2 Judges can be found at [here – hyperlink]. The parties should indicate whether they agree that  
3 the Honorable [insert name of Magistrate Judge] may conduct all proceedings including trial and  
4 the entry of judgment. When responding to this question, the parties should only respond "yes"  
5 or "no". Individual party responses should not be provided. A "yes" response should be indicated  
6 only if all parties consent. Otherwise, a "no" response should be provided.

7 4. A discovery plan that states, by corresponding paragraph letters (A, B, etc.), the  
8 parties' views and proposals on all items set forth in Fed. R. Civ. P. 26(f)(3), which includes the  
9 following topics:

- 10 (A) initial disclosures;
- 11 (B) subjects, timing, and potential phasing of discovery;
- 12 (C) electronically stored information;
- 13 (D) privilege issues;
- 14 (E) proposed limitations on discovery; and
- 15 (F) the need for any discovery related orders.

16 5. The parties' views, proposals, and agreements, by corresponding paragraph letters  
17 (A, B, etc.), on all items set forth in Local Civil Rule 26(f)(1), which includes the following  
18 topics:

- 19 (A) prompt case resolution;
- 20 (B) alternative dispute resolution;
- 21 (C) related cases;
- 22 (D) discovery management;
- 23 (E) anticipated discovery sought;
- (F) phasing motions;

(G) preservation of discoverable information;

(H) privilege issues;

(I) Model Protocol for Discovery of ESI; and

(J) alternatives to Model Protocol.

6. The date by which discovery can be completed.

7. Whether the case should be bifurcated by trying the liability issues before the damages issues, or bifurcated in any other way.

8. Whether the pretrial statements and pretrial order called for by Local Civil Rules 16(e), (h), (i), and (k), and 16.1 should be dispensed with in whole or in part for the sake of economy.

9. Any other suggestions for shortening or simplifying the case.

10. The date the case will be ready for trial. The Court expects that most civil cases will be ready for trial within a year after filing the Joint Status Report and Discovery Plan.

11. Whether the trial will be jury or non-jury.

12. The number of trial days required.

13. The names, addresses, and telephone numbers of all trial counsel.

14. The dates on which trial counsel may have complications to be considered in setting a trial date.

15. If, on the due date of the Report, all defendant(s) or respondent(s) have not been served, counsel for the plaintiff shall advise the Court when service will be effected, why it was not made earlier, and shall provide a proposed schedule for the required FRCP 26(f) conference and FRCP 26(a) initial disclosures.

16. Whether any party wishes a pretrial FRCP 16 conference with the judge prior to entry of any order pursuant to Rule 16 or setting of a schedule for the case. If yes, indicate

1 whether a party wishes an in-person or telephonic conference.

2 17. List the date(s) that each and every nongovernmental corporate party filed its  
3 disclosure statement pursuant to Fed. R. Civ. P. 7.1 and Local Civil Rule 7.1.

4 If the parties are unable to agree on any part of the Report, they may answer in separate  
5 paragraphs. No separate reports are to be filed. If the parties wish to have a status conference  
6 with the Court at any time during the pendency of this action, they should contact Steven Crozier  
7 at (206) 370-8820.

### 8 **III. PLAINTIFF'S RESPONSIBILITY**

9 This Order is issued at the outset of the case, and a copy is sent by the clerk to counsel for  
10 plaintiff (or plaintiff, if pro se) and any defendants who have appeared. Plaintiff's counsel (or  
11 plaintiff, if pro se) is directed to serve copies of this Order on all parties who appear after this  
12 Order is filed. Such service shall be accomplished within ten (10) after each appearance.  
13 Plaintiff's counsel (or plaintiff, if pro se) will be responsible for starting the communications  
14 needed to comply with this Order.

### 15 **IV. JUDGE SPECIFIC PROCEDURAL INFORMATION**

16 All counsel and unrepresented parties should review Judge Pechman's web page for  
17 procedural information applicable to cases before Judge Pechman. The judges' web pages, in  
18 addition to the Local Rules, Electronic Filing Procedures for Civil and Criminal Cases, court  
19 forms, instruction sheets, and General Orders, can be found on the Court's website at  
20 [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov).

### 21 **V. EARLY SETTLEMENT CONSIDERATION AND NOTIFICATION**

22 If settlement is achieved, counsel shall immediately notify Steven Crozier at (206) 370-  
23 8820.

The parties are responsible for complying with the terms of this Order. The Court may impose sanctions on any party who fails to comply fully with this Order.

DATED this 18th day of October, 2018.

Wassily Kandinsky

The Honorable Marsha J. Pechman  
United States Senior District Court Judge